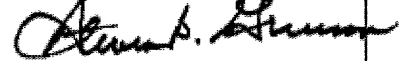


EXHIBIT “A”

EXHIBIT “A”

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Steven D. Grierson
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1 **COMP**
2 **BRITTANY A. YOUNG, ESQ.**
Nevada Bar #13663
3 **CRAIG P. KENNY & ASSOCIATES**
501 S. 8th Street
4 Las Vegas, Nevada 89101
(702) 380-2800
5 Attorneys for Plaintiffs

CASE NO: A-20-815762-C
Department 1

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

7 NAKIA GHASEDI and MOHAMMED
8 GHASEDI,

9 Plaintiffs,

10 v.

11 DOE EMPLOYEE, a Nevada resident,
SMITH'S FOOD & DRUG CENTERS, INC.;
12 DOES I through X, inclusive; and ROE
CORPORATIONS I, through X, inclusive

13 Defendants.

Case No.

Dept No.

EXEMPT FROM ARBITRATION
- Amount in Excess of \$50,000

14
15 **COMPLAINT**

16 Plaintiffs NAKIA GHASEDI and MOHAMMED GHASEDI, by and through their attorneys
17 CRAIG P. KENNY & ASSOCIATES, hereby allege as follows:

18 1. That at all times mentioned herein and material hereto, Plaintiffs NAKIA GHASEDI and
19 MOHAMMED GHASEDI are and were residents of North Las Vegas, Clark County, Nevada.

20 2. That Defendant DOE EMPLOYEE was and is, at all times mentioned herein, a resident of
21 Clark County, Nevada. At all times, DOE EMPLOYEE was working in the course and scope of his
22 employment with Defendant SMITH'S FOOD & DRUG CENTERS, INC. Defendant SMITH'S has
23 refused to identify this employee after repeated requests, but it is known that the DOE EMPLOYEE is
24 a Nevada resident as the subject accident occurred while DOE EMPLOYEE was employed at Defendant
25 SMITH'S store in North Las Vegas, Nevada.

26 3. That Defendant SMITH'S FOOD & DRUG CENTERS, INC. (hereinafter "SMITH'S") is
27 and was corporation duly authorized to conduct business in the State of Nevada.

28 4. That at all times mentioned herein, Defendant DOE EMPLOYEE was an employee
and/or agent of Defendants SMITH'S, DOES I through X, and/or ROE CORPORATIONS I through X,

1 and that all acts or omissions mentioned herein which were performed by Defendant DOE EMPLOYEE
2 were performed within the course and scope of his employment/agency with said Defendants.

3 5. The true names and capacities, whether individual, corporate, associate, or otherwise, of
4 the Defendants named herein as DOES I through X, DOES I through X and ROE CORPORATIONS
5 I through X, inclusive, are unknown to Plaintiffs at this time and Plaintiffs, therefore, sue said
6 Defendants by such fictitious names. Plaintiffs are informed and believe and, therefore, allege that each
7 of the Defendants designated herein as DOE are responsible in some manner for the events and
8 happenings referred to and caused damages proximately to Plaintiffs as hereinafter alleged, and Plaintiffs
9 will ask leave of this Court to amend their Complaint to insert the true names and capacities of said
10 DOES when the same become ascertained, and join said Defendants in this action.

11 6. On November 28, 2019 at 6:30 am in North Las Vegas, Clark County, Nevada, Plaintiff
12 NAKIA GHASSEDI was a patron of Defendant SMITH'S store located at 3013 W. Craig Road, North
13 Las Vegas, Nevada. While at the store, Plaintiff was struck by a cart overloaded with boxes being
14 pushed by DOE EMPLOYEE who was not looking where he was walking and he slammed the cart into
15 Plaintiff, injuring Plaintiff. Defendant SMITH'S refused to cooperate with Plaintiff at all even though
16 its employee's negligence caused Plaintiff injuries. Defendant SMITH'S refused to identify the at-fault
17 employee, provide a copy of the incident report, and provide video-tape and photos of the accident itself,
18 even though all of this evidence SMITH'S knows it has to produce in litigation and Plaintiff is entitled
19 to said evidence.

20 7. Defendant DOE EMPLOYEE was negligent in overloading his cart with boxes and not paying
21 attention to where he was walking, such that DOE EMPLOYEE slammed into Plaintiff NAKIA
22 GHASSEDI and injured her. DOE EMPLOYEE's negligence was the proximate and legal cause of
23 Plaintiff NAKIA GHASSEDI's injuries.

24 8. Plaintiffs allege that since Defendant DOE EMPLOYEE's negligence was committed
25 while he was acting within the course and scope of his employment with Defendant SMITH'S, DOES
26 I through X, and/or ROE CORPORATIONS I through X, and these Defendants are vicariously liable
27 for the negligence of Defendant DOE EMPLOYEE pursuant to the doctrine of respondeat superior.

28 9. Plaintiffs allege that Defendant DOE EMPLOYEE's negligence was committed while
he was acting under the direct supervision of his employer, Defendant SMITH'S, who failed to properly

1 train, supervise, monitor, and regulate the behavior of its employee. As a direct result of this negligent
2 training and supervision by Defendant SMITH'S, Plaintiff NAKIA GHASSEDI sustained serious
3 injuries.

4 10. That as a direct and proximate result of the aforesaid negligence of the Defendants, and
5 each of them, Plaintiff NAKIA GHASSEDI suffered serious and disabling injuries together with other
6 economic losses in an amount in excess of \$15,000.00.

7 11. That as a further direct and proximate result of the aforesaid negligence of Defendants
8 and each of them, Plaintiff NAKIA GHASSEDI has already incurred medical expenses and will in the
9 future be caused to expend sums of money for medical care and expenses, the total amount of which
10 cannot at this time be determined.

11 12. The negligence of Defendants DOE EMPLOYEE and SMITH'S, and each of them, are the
12 proximate and legal causes of Plaintiffs' damages. Pursuant to Buck v. Greyhound, Defendants are
13 jointly and severally liable for Plaintiffs' damages.

14 13. That Plaintiff MOHAMMED GHASSEDI is married to Plaintiff NAKIA GHASSEDI. As
15 a direct and proximate result of the negligence of Defendants and each of them, Plaintiff MOHAMMED
16 GHASSEDI has been deprived of Plaintiff NAKIA GHASSEDI's comfort, society, counsel, support,
17 consortium and companionship, all to his damage in a sum in excess of \$15,000.00.


18 14. That it has been necessary for Plaintiffs to retain legal counsel and therefore Plaintiffs are
19 entitled to reasonable attorneys fees and costs as damages in this action.

20 WHEREFORE, Plaintiffs pray for a judgment against Defendants as follows:

- 21 1. For general damages in a sum in excess of \$15,000.00;
22 2. For special damages in an amount to be ascertained at trial;
23 3. For loss of consortium damages in excess of \$15,000;
24 4. For reasonable attorneys fees, costs, and prejudgment interest; and,
25 5. For such other and further relief as the Court may deem appropriate.

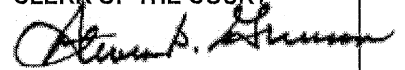
26 DATED this 18th day of May, 2020.

27 **CRAIG P. KENNY & ASSOCIATES**

28 
BRITTANY A. YOUNG, ESQ.

Nevada Bar #13663
501 S. 8th Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs

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Steven D. Grierson
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1 ANSC
JERRY S. BUSBY
2 Nevada Bar #001107
GREGORY A. KRAEMER
3 Nevada Bar #010911
COOPER LEVENSON, P.A.
4 3016 West Charleston Boulevard - #195
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5 (702) 366-1125
FAX: (702) 366-1857
6 jbusby@cooperlevenson.com
gkraemer@cooperlevenson.com
7 Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 NAKIA GHASSEDI and MOHAMMED
GHASSEDI,

12 Plaintiffs,

13 v.

14 DOE EMPLOYEE, a Nevada resident,
15 SMITH'S FOOD & DRUG CENTERS, INC.;
DOES I through X, inclusive; and ROE
16 CORPORATIONS I, through X, inclusive

17 Defendants.

CASE NO.: A-20-815762-C
DEPT. NO.: I

**DEFENDANT SMITH'S FOOD & DRUG
CENTERS, INC.'S ANSWER TO
PLAINTIFFS' COMPLAINT**

19 COMES NOW, Defendant, SMITH'S FOOD & DRUG CENTERS, INC., by and through its
20 attorney of record, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A., and hereby
21 answers Plaintiffs' Complaint on file herein as follows:

22 **I.**

23 This answering Defendant states that it does not have sufficient knowledge or information upon
24 which to base a belief as to the truth of the allegations contained in Paragraphs 1, 2, 4, 5 and 6 of
25 Plaintiffs' Complaint and upon said ground, denies each and every allegation contained therein.

26 **II.**

27 This answering Defendant admits the allegations contained in Paragraph 3 of Plaintiffs'
28 Complaint.

1 III.

2 This answering Defendant denies each and every allegation contained in Paragraphs 7, 10,
3 11, 13 and 14 of Plaintiffs' Complaint.

4 IV.

5 Paragraphs 8, 9 and 12 of Plaintiffs' Complaint state a legal conclusion which is the sole
6 province of the Court to determine. This answering Defendant therefore denies said Paragraphs.

7 **AFFIRMATIVE DEFENSES**

8 **FIRST AFFIRMATIVE DEFENSE**

9 Plaintiffs did not use reasonable diligence to care for their injuries, thereby aggravating said
10 injuries as a result. Therefore, Plaintiffs' claims against this answering Defendant should be denied,
11 or any recovery reduced in proportion to said negligence of Plaintiffs.

12 **SECOND AFFIRMATIVE DEFENSE**

13 At the time and place alleged in Plaintiffs' Complaint, and for a period of time prior thereto,
14 Plaintiffs did not exercise ordinary care, caution, or prudence for the protection of their own safety,
15 and injuries and damages complained of by Plaintiffs in the Complaint, if any, were directly and
16 proximately caused or contributed to by the fault, failure to act, carelessness, and negligence of
17 Plaintiffs, and therefore Plaintiffs' claims against this answering Defendant should be denied, or any
18 recovery reduced in proportion to said negligence of Plaintiffs.

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1 WHEREFORE, this answering Defendant prays that Plaintiffs take nothing by virtue of their
2 Complaint on file herein; for costs and disbursements incurred in this action; and for such other and
3 further relief as to the Court may deem proper.

4 Dated this 28th day of July, 2020.

5 COOPER LEVENSON, P.A.

6
7 By /s/ Jerry S. Busby
8 Jerry S. Busby
9 Nevada Bar No. 001107
10 Gregory A. Kraemer
11 Nevada Bar No. 010911
12 3016 West Charleston Boulevard - #195
13 Las Vegas, Nevada 89102
14 Attorneys for Defendant
15 SMITH'S FOOD & DRUG CENTERS, INC.
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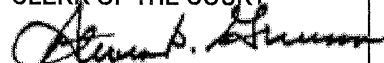
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of COOPER LEVENSON, P.A. and that on this 28th day of July, 2020, I did cause a true copy of the foregoing **DEFENDANT SMITH'S FOOD & DRUG CENTERS, INC.'S ANSWER TO PLAINTIFFS' COMPLAINT** to be served upon each of the parties listed below via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve System:

Brittany A. Young, Esq.
CRAIG P. KENNY & ASSOCIATES
501 South Eighth Street
Las Vegas, NV 89101
Attorneys for Plaintiff

By /s/ Theresa H. Rutkowski
An Employee of
COOPER LEVENSON, P.A.

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Steven D. Grierson
CLERK OF THE COURT



ABREA
BRITTANY A. YOUNG, ESQ.
Nevada Bar #13663
CRAIG P. KENNY & ASSOCIATES
501 S. 8th Street
Las Vegas, Nevada 89101
(702) 380-2800
Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NAKIA GHASSEDI and MOHAMMED
GHASSEDI,

Plaintiffs,

CASE NO. A-20-815762-C
DEPT NO. 1

v.

DOE EMPLOYEE, a Nevada resident,
SMITH'S FOOD & DRUG CENTERS,
INC.; DOES I through X, inclusive; and
ROE CORPORATIONS I through X,
inclusive,

Defendants.

PETITION FOR EXEMPTION FROM ARBITRATION

Plaintiffs, NAKIA GHASSEDI and MOHAMMED GHASSEDI by and through their
attorneys, **CRAIG P. KENNY & ASSOCIATES**, hereby request the above-entitled matter be
exempted from arbitration pursuant to Nevada Arbitration Rules 3 and 5, as this case:

1. _____ presents a significant issue of public policy;
2. X involves an amount in issue in excess of
\$50,000, exclusive of interest and cost;
3. _____ presents unusual circumstances which
constitute good cause for removal from the
program.

A summary of the facts which supports my contention for exemption is as follows:

On November 28, 2019 at 6:30 am in North Las Vegas, Clark County, Nevada, Plaintiff NAKIA
GHASSEDI was a patron of Defendant SMITH'S store located at 3013 W. Craig Road, North Las
Vegas, Nevada. While at the store, Plaintiff was struck by a cart overloaded with boxes being pushed
by DOE EMPLOYEE who was not looking where he was walking and he slammed the cart into

1 Plaintiff, injuring Plaintiff. Defendant SMITH'S refused to cooperate with Plaintiff at all even though
2 its employee's negligence caused Plaintiff injuries. Defendant SMITH'S refused to identify the at-fault
3 employee, provide a copy of the incident report, and provide video-tape and photos of the accident itself,
4 even though all of this evidence SMITH'S knows it has to produce in litigation and Plaintiff is entitled
5 to said evidence.

6 I. INJURIES

7 As a result of the collision, Plaintiff Nakia Ghassedi sustained aggravation injuries to her low
8 back, right hip and buttocks.

9 Following the impact, Nakia presented to Dignity Health where she was examined for increased
10 lower back pain, radiating pain and weakness in her right leg and a pinching sensation in her thigh. She
11 was prescribed muscle relaxers and advised to seek follow up care.

12 Nakia was seen by Dr. Antflick at Nevada Pain Center who requested updated MRI studies. He
13 also recommended lumbar transforaminal epidural steroid injections, for Nakia to begin physical therapy
14 and return to Dr. Thalgott for examination.

15 On January 29, 2020, Nakia underwent the lumbar for her pain which was rated as a 7-9/10. The
16 following day, Nakia returned to Dignity Health for severe and worsening lower back pain, weakness
17 and an inability to function at home. Due to her symptoms, Nakia was transferred by ambulance to
18 Mountain View Hospital.

19 The attending physician at Mountain View reported that Nakia had progressive right lower
20 extremity numbness and weakness following the epidural, as well as a loss of sensation in her right leg.
21 Severe degenerative changes were noted at L3-4 with asymmetric disc bulge creating left lateral recess
22 and neural foraminal moderate stenosis. At that time, neurosurgery was consulted and Nakia underwent
23 an emergency laminectomy at L3-4, discectomy at L3-4 and bilateral sacroiliac joint injection and
24 arthrogram. Nakia was released after a couple of days.

25 Unfortunately, she developed 10/10 pain and shortness of breath a couple of days later. On
26 February 1, 2020, she was transported by ambulance to Valley Hospital for intractable back pain and on
27 February 3, 2020 she was again seen at Mountain View Hospital for sepsis and concern for multifocal
28 pneumonia. Nakia again returned to Dignity Health and Mountain View Hospital for back pain and

1 shortness of breath.

2 To date, Nakia continues to treat for her injuries.

3 As a result of the subject incident, Plaintiff Nakia Ghassedi has incurred the following
4 medical damages:

5	Dignity Health	\$3,856.86	DOS: 11/28/19
6	Clark Schillinger Emergency Group	\$1,416.00	
	Radiology Associates of Nevada	Pending	
7	Nevada Pain Care	Pending	
	Las Vegas Radiology	\$1,650.00	
8	Durango Surgery Center	\$18,066.00	
	Rapid Rehab	Pending	
9	Dignity Health	\$23,018.29	DOS: 1/30/2020
	Clark Schillinger Emergency Group	\$2,089.00	
10	Radiology Associates	\$398.00	
	Mountain View Hospital	Pending	DOS: 1/30/20-1/31/20
11	Fremont Emergency	\$1,428.00	
	Radiology Specialists	\$398.00	
12	Mountain View Hospital	Pending	DOS: 2/2/20-2/3/20
	Fremont Emergency	\$1,428.00	
13	Radiology Specialists	Pending	
	AMR	\$1,274.31	
14	Valley Hospital	\$4,319.00	
	Shadow Emergency Physicians	Pending	
15	Desert Radiologists	\$1,827.10	
	Dignity Health	\$40,416.53	DOS: 2/8/20
16	Clark Schillinger Emergency Group	\$2,793.00	
	Radiology Associates	\$33.00	
17	AMR	\$1,209.21	
	Mountain View Hospital	Pending	DOS: 2/8/20-2/12/20
18	Ahmed Ali, MD	Pending	
	Dignity Health	\$9,008.38	DOS: 3/22/20
19	Clark Schillinger Emergency Group	\$2,192.00	
	Radiology Associates	Pending	
20	US Partners of Nevada	\$2,898.00	
	Las Vegas Neurosurgical Inst.	\$20,200.00	
21	Desert Radiology	\$153.00	

22 **Total: \$140,071.68**

23 Plaintiff, Mohammed Ghassedi is the husband of Nakia Ghassedi and has a claim for loss of
24 consortium.

25 Given Plaintiff Nakia's injuries, her past medical bills, and her pain and suffering, it is
26 respectfully requested that Plaintiffs' case be exempted from arbitration.

27 I hereby certify pursuant to N.R.C.P. 11 this case is included within the exemption(s) marked
28

1 above and am aware of the sanctions which may be imposed against any attorney or party who without
2 good cause or justification attempts to remove a case from the arbitration program.

3 I further certify pursuant to NRS Chapter 239B and NRS 603A.040 that this document and any
4 attachments thereto do not contain personal information including, without limitation, home
5 address/phone number, social security number, driver's license number or identification card number,
6 account number, PIN numbers, credit card number or debit card number, in combination with any
7 required security code, access code or password that would permit access to the person's financial
8 account.

9 **DATED** this 17th day of August, 2020.

10 **CRAIG P. KENNY & ASSOCIATES**

11
12 By  #5128 for

13 **BRITTANY A. YOUNG, ESQ.**

14 Nevada Bar No. 13663

15 501 S. 8th Street

16 Las Vegas, Nevada 89101

17 Attorney for Plaintiffs
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CERTIFICATE OF SERVICE

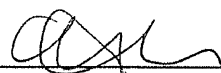
Pursuant to NRCP 5(b) and EDCR 7.26, I hereby certify that service of the foregoing PETITION FOR EXEMPTION FROM ARBITRATION was made on this 17th day of August, 2020 by the following means:

☐ U.S. Mail: I served these documents by depositing a true copy of the same for mailing, first class mail, postage prepaid, at Las Vegas, Nevada, addressed as follows:

☒ Electronic Service: I served these documents via the Court's E-Filing System for Electronic Service upon the Court's Service List pursuant to EDCR 8, addressed as follows:

☐ Fax Transmission: by facsimile transmission to the persons at the fax numbers listed below:

Jerry S. Busby, Esq.
Gregory A. Kraemer, Esq.
Cooper Levenson
3016 W. Charleston Blvd., Ste. 195
Las Vegas, NV 89102
Attorneys for Defendant


An employee of CRAIG P. KENNY & ASSOC.

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CDRG

DISTRICT COURT

CLARK COUNTY, NEVADA

Nakia Ghassedi, Plaintiff(s)

vs.

CASE NO: A-20-815762-C

DEPT. NO: I

Smith's Food & Drug Centers Inc,

Defendant(s)

COMMISSIONER'S DECISION ON REQUEST FOR EXEMPTION

REQUEST FOR EXEMPTION FILED ON: August 17th, 2020

EXEMPTION FILED BY: Plaintiffs OPPOSITION: No

DECISION

Having reviewed the Request for Exemption, and all related pleadings, the Request for Exemption is hereby GRANTED.

DATED this 31st of August, 2020.



ADR COMMISSIONER

NOTICE

Pursuant to Nevada Arbitration Rule 5(D), you are hereby notified you have five (5) days from the date you are served with this document within which to file written objections with the Clerk of Court and serve all parties. The Commissioner's Decision is deemed served three (3) days after the Commissioner's designee deposits a copy of the Decision in the U.S. Mail. **Pursuant to NEFCR Rule 9(f)(2) an additional 3 days is not added to the time if served electronically (via e-service).**

A copy of the foregoing Commissioner's Decision on Request for Exemption was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program on the date of e-filing.

If indicated below, a copy of the foregoing Commissioner's Decision on Request for Exemption was also:

☐ Placed in the folder of counsel maintained in the Office of the Clerk of Court on _____, 2020.

☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known address(es) on _____, 2020.

/s/ Loretta Walker
ADR COMMISSIONER'S DESIGNEE